

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Civil Division

2023 APR 10 PM 4:41  
USDC-EDPA RECD CLERKEric J. Maloney  
Spokesman for all effected  
President and CEO

South Central Pennsylvania Conservancy

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Eric J. Maloney President and CEO of SCPAConservancy
Street Address	231 Winterstown Rd
City and County	Red Lion York
State and Zip Code	Pennsylvania 17356
Telephone Number	248.342.6086
E-mail Address	EricMaloney.SCPAConservancy@Outlook.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

**Defendant No. 1**

Name Red Lion Public Schools

Job or Title (*if known*) \_\_\_\_\_

Street Address 696 Delta Rd.

City and County Red Lion, York County

State and Zip Code PA, 17356

Telephone Number \_\_\_\_\_

E-mail Address (*if known*) \_\_\_\_\_

**Defendant No. 2**

Name York Township

Job or Title (*if known*) \_\_\_\_\_

Street Address 190 Oak Rd.

City and County Dallastown, York County

State and Zip Code PA, 17313

Telephone Number 717-741-3861

E-mail Address (*if known*) \_\_\_\_\_

**Defendant No. 3**

Name 150 Country Club Road Associates LLC

Job or Title (*if known*) \_\_\_\_\_

Street Address One Tower Bridge - 100 Front Street

City and County Conshohocken, Montgomery County

State and Zip Code PA, 19428

Telephone Number 717-435-0911

E-mail Address (*if known*) \_\_\_\_\_

**Defendant No. 4**

Name Catalyst Commercial Development, LLC

Job or Title (*if known*) \_\_\_\_\_

Street Address One Tower Bridge - 100 Front Street

City and County Conshohocken, Montgomery County York, York County

State and Zip Code PA, 19428

Telephone Number 717-435-0911

E-mail Address (*if known*) \_\_\_\_\_

## Defendant No. 5

Name Dallastown Borough  
Job Title *(if known)*  
Street Address 175 E. Broad St.  
City and County Dallastown, York County  
State and Zip Code PA 17313  
Telephone Number 717-344-6626  
Email Address

## Defendant No. 6

Name Red Lion Borough  
Job Title *(if known)*  
Street Address 16 E. Gay St.  
City and County Red Lion, York County  
State and Zip Code PA 17356  
Telephone Number 717-244-3475  
Email Address

## Defendant No. 7

Name Tanya Wilson  
Job Title *(if known)*  
Street Address 696 Delta Rd.  
City and County Red Lion, York County  
State and Zip Code PA 17356  
Telephone Number 717-  
Email Address

## Defendant No. 8

Name Jonathan D. Andrews  
Job Title *(if known)*  
Street Address 100 Pine St. P.O Box 1166  
City and County Harrisburg, York County  
State and Zip Code PA 17108  
Telephone Number 717-237-5358  
Email Address

## Defendant No. 9

Name McNees Wallace & Nurick LLC  
Job Title *(if known)*  
Street Address 100 Pine St. P.O Box 1166  
City and County Harrisburg, York County  
State and Zip Code PA 17108  
Telephone Number 717-237-5358  
Email Address



**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

33 U.S.C. §1251 Clean Water Act  
16 U.S.C. §1531 Endangered Species Act  
14<sup>th</sup> Amendment Due Process

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Eric J. Maloney, is a citizen of the  
State of *(name)* Pennsylvania.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* Operational Excellence LLC DBA SCPAC, is incorporated  
under the laws of the State of *(name)* Pennsylvania,  
and has its principal place of business in the State of *(name)*  
Pennsylvania and Maryland.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) 150 Country Club Road Associates, is incorporated under the laws of the State of (name) Pennsylvania, and has its principal place of business in the State of (name) Pennsylvania.  
 Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
 and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$0.00 We are seeking declaratory relief

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

## A. Where did the events giving rise to your claim(s) occur?

Red Lion PA, York Township PA, Dallastown PA, York County PA and Lancaster County PA

## B. What date and approximate time did the events giving rise to your claim(s) occur?

3/21/2023

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C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

1. The property in dispute (150 Country Club Road Red Lion PA 17356) is a Federally Protected Wetland with a population of Federally Protected and Endangered "Little Brown Bats" and "Indiana Bats". In addition to the Bats are a population of PA Recognized endangered Owls and a breeding pair of Bald Eagles.
  2. The Administrations of Red Lion Public Schools have had knowledge of the Federally Recognized Endangered Species on this property for many years, and that development of the property is prohibited by law.
  3. The Adminstrators, Faculty, Staff, Students of Red Lion School District and the residents of Red Lion, Dallastown and York Township are aware that this property is a Federally Protected Wetland and that Development is prohibited under law.
  4. The Administrators of the Red Lion Public School District are attempting to "quietly" sell off this piece of public property to a private corporation without the consent of the residents of Red Lion Borough, Dallastown Borough, and York Township.
  5. The unscrupulus method in which the School Administrators have attempted this sale provides the opportunity for the Developer to come back legally against the School System and the residents of Red Lion, Dallastown and York Township for misrepresenting the property.
  6. Administrators of Red Lion School District have prevented the residents effected by this sale from have a voice or consent in the sale.
  7. The Developer and Administrators attempted to fraudulently transfer this property without first obtaining the necessary permits from the US-EPA, the US Army Corps of Engineers, the US Fish and Wildlife Service in addition to certain Pennsylvania State Organizations, and the Community as a whole.
  8. Nearly 100% of those effected wish for this land to remain a wild area / nature preserve for the continued benefit of the community both in educational experience and enjoyment of life.
  9. The developer proposes 9 homes per acre which is not in keeping with the community.
  10. The community lacks the necessary infrastructure to support this development. There are only 2 police officers for the area of York County east of Interstate 83 with only 1 officer on the weekend. The water supply is taxed to its limit without significant improvements at the expense of the adjoining property owners.
  11. Representatives of 150 Country Club Associates LLC have made the false and misleading assertions that they already own the property when in fact the sale is contingent on the rezoning of the property to allow for High Density Development that is against the wishes of the community and both state and federal law concerning Federally Protected Wetlands and the Endangered Species Act.
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#### IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

If this sale proceeds it will destroy a federally protected wetland, critical habitat for Federally Protected Endangered Species, and negatively effect the drinking water supply for the region while adding no benefit to the community.

If sold, this will prevent the Faculty, and Students of the region from enriching their education into Ecology, Environment and the study of several rare and endangered species so close to home.

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## **V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

A. Freeze any further actions by the Defendants, Agents, Organizations and Subordinates until the following is performed:

1. Temporary Injunction until the US-EPA, US-Army Corps of Engineers, and US-Fish and Wildlife Agencies can perform the necessary studies and present their findings to this Honorable Court for further disposition.
  2. Red Lion School District remove the "No Trespassing" Signs preventing the use of this property by the Faculty, Students and Community.
  3. Allow Faculty, Students of all local and regional education facilities to include High Schools, Colleges and Universities to develop curriculum to Research and Study the endangered species found on this property.
  4. Red Lion School District Publicize the sale of this property emphasizing that this is critical habitat for several endangered species and will negatively impact the community. That this sale does not benefit the residents of Red Lion Borough, Dallastown Borough and York Township Pennsylvania.
  5. That the Developer refrain from performing any action that will change the property adversely affecting the Endangered Species and the Watershed. This would include but not limited to Tree Cutting, Clearing, and modification of the property in any way.
  6. Red Lion School District Administrators from further harassment and intimidation of those that have spoken out against the sale of the property
  7. Refer Johnathan D. Andrews for Attorney Disciplinary Action for knowingly making fraudulent assertions in the furtherance of an unlawful act.
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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/10/2023

Signature of Plaintiff

Printed Name of Plaintiff Eric J. Maloney on behalf of SCPA Conservancy

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address